

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

UNITED STATES OF AMERICA, §
Plaintiff, §
v. § CIVIL NO. L-18-cv-00018
§
ONE 2013 CHEVROLET CRUZE LT §
VIN:KL8PM5E56DK094781 §
Defendant. §

COMPLAINT FOR FORFEITURE IN REM

TO THE HONORABLE JUDGE OF SAID COURT:

The United States of America, Plaintiff, by and through its United States Attorney for the Southern District of Texas and its Assistant United States Attorney files this Complaint for Forfeiture against one 2013 Chevrolet Cruze LT, VIN:KL8PM5E56DK094781, hereinafter referred to as the "Defendant Vehicle". The United States alleges on information and belief:

I.

NATURE OF ACTION

1. The Defendant Vehicle was used or intended to be used to facilitate a violation of Title 21 of the United States Code and is, therefore, subject to forfeiture to the United States by Title 21, United States Code, §881(a)(4).

II.

JURISDICTION AND VENUE

2. Jurisdiction is conferred upon this Court by virtue of Title 28, United States Code, §§ 1345 and 1355. This Court is a proper venue for this matter pursuant to Title 28, United States Code, § 1395. The Defendant Vehicle is now and will remain in the jurisdiction of this Court during the pendency of this action.

III.

FACTUAL BASIS FOR FORFEITURE

3. On August 26, 2017, Defendant Vehicle was seized at the IH-35 United States Border Patrol checkpoint located north of Laredo, Texas by task force agents of the Drug Enforcement Administration (DEA). At approximately 7:45 a.m. on August 26, 2017, Defendant Vehicle, bearing Mexican license plate XLM7316, arrived at the Border Patrol checkpoint driven by Jose Osvaldo Verastegui-Rodriguez. The Mexican registration of Defendant Vehicle identifies Verastegui-Rodriguez as its owner. U.S. Border Patrol Agent Eric Castillo conducted an immigration inspection of Verastegui-Rodriguez in the primary inspection lane of the checkpoint.

4. During the immigration inspection, Border Patrol Agent Frederick Irizarry and service canine "Butch" performed a non-intrusive exterior inspection of Defendant Vehicle. During the inspection, Border Patrol canine "Butch" alerted to the presence of concealed humans or narcotics within Defendant Vehicle.

5. The Defendant Vehicle, driven by Jose Osvaldo Verastegui-Rodriguez, was referred to a secondary inspection area of the checkpoint where U.S. Border Patrol Agent Irizarry again conducted a free air sniff of the Defendant Vehicle with the assistance of Border Patrol canine "Butch". "Butch" specifically alerted to the area near the quarter panel of Defendant Vehicle.

6. Border Patrol Agent Castillo located a concealed compartment by the wheel well leading into the rocker panels on both the driver and passenger sides of Defendant Vehicle. The compartment was searched and fourteen bundles wrapped in foil were removed.

7. A field test of the substance in one of the bundles indicated that it was methamphetamine. The total approximate weight of the fourteen bundles was 23.22 kilograms or 51.1 lbs.

8. DEA Task Force Officers Oscar Garcia Jr. and Mark Rocha seized Defendant Vehicle and

took custody of Jose Osvaldo Verastegui-Rodriguez.

IV.

By reason of the foregoing, the Defendant Vehicle is subject to an Order of Forfeiture to the United States of America.

NOTICE TO ANY POTENTIAL CLAIMANT

YOU ARE HEREBY NOTIFIED that if you assert an interest in the property subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than 35 days from the date this complaint is sent in accordance with Rule G(4)(b).

An answer or a motion under Fed. R.Civ.P. 12 must be filed no later than 21 days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this complaint below.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for the following:

1. That notice of forfeiture issue according to the normal procedure of the Court citing all persons having an interest in the Defendant Vehicle to appear on the return day of said process and make such Claim and Answer as they may have;
2. That a Judgment of Forfeiture be decreed against the Defendant Vehicle;
3. That, following a Judgment of Forfeiture, the Defendant Currency and Vehicle be disposed of according to law; and
4. For costs of this action, including costs of seizure and for such additional relief to which Plaintiff may be entitled.

Respectfully submitted,

RYAN K. PATRICK
UNITED STATES ATTORNEY

BY:

s/Mary Ellen Smyth
Mary Ellen Smyth
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VERIFICATION

I, Oscar Garcia, Task Force Agent with the Drug Enforcement Administration in Laredo, Texas, declare under penalty of perjury that I am one of the agents responsible for the investigation concerning this litigation. I have read the above Complaint for Forfeiture in rem. Based upon the investigation conducted by myself and other agents of DEA and Border Patrol of which I have knowledge, the facts contained in the Complaint for Forfeiture, paragraphs 3-8, are true and correct to the best of my knowledge and belief.

Executed on this the 7th day of February, 2018.


Oscar Garcia
Task Force Agent, DEA

7th SUBSCRIBED and SWORN to before me the undersigned Notary Public on this the day of February, 2018.

12/14/21
My Commission Expires


Alicia M. Laurel
Notary Public for the State of Texas



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Complaint for Forfeiture and Notice of Forfeiture was mailed via domestic and international certified mail, return receipt requested, USPS first class mail and electronic mail to:

Jose Osvaldo Verastegui Rodriguez
4448 Sofia
Laredo, Texas 78046

Jose Osvaldo Verastegui Rodriguez
Narciso Mendoza 25-36
Colonia Juarez
Nuevo Laredo, Tamaulipas, Mexico 88209

Verastegui_RL67@hotmail.com

on this the 7th day of February, 2018.

s/Mary Ellen Smyth
Mary Ellen Smyth
Assistant U.S. Attorney